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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

October 21, 2002

At 9:33 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice; Kolkey, Associate Justice; and Rios, Bailiff. Calendar Called.

C037161 GARCIA v. COUNTY OF SACRAMENTO and DEPARTMENT OF HEALTH SERVICES

Cause called. Janie Daigle, Deputy Attorney General, argued for appellant. Douglas W. Brown argued for respondent. No appearance was made on behalf of plaintiff. Cause submitted.

At 10:01 a.m., the court recessed. At 10:05 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Callahan, Associate Justice.

C037444 ONODA v. BOARD OF CHIROPRACTIC EXAMINERS

Cause called. Russell Iungerich argued for appellant and submitted additional citations. Christina Thomas, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:44 a.m., the court reconvened with Davis, Acting Presiding Justice; Raye, Associate Justice; and Callahan, Associate Justice.

C038613 BORN, etc. v. SELECT CAPITAL CORPORATION, et al.

Cause called. Linda J. Conrad, argued for appellant. Doug Mudford argued for defendants-respondents Mid Valley Bank, et al. James M. Nelson argued for defendant-respondent Select. Cause submitted.

At 11:15 a.m., the court recessed. At 11:17 a.m., the court reconvened with Sims, Acting Presiding Justice; Davis, Associate Justice; and Morrison, Associate Justice.

**C038608 PAYE v. BEITZ
C039518 PAYE v. BEAVER, et al.**

Cause called. Karen M. Goodman argued for defendant-appellants-cross-respondent Beitz. Alan S. Haley argued for plaintiff-respondent-cross appellant-appellant Paye. No appearance was made on behalf of defendant-respondent Beaver, et al. Cause submitted.

At 11:45 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Acting Presiding Justice; Morrison, Associate Justice; and Hull, Associate Justice.

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C038622 SIERRA CLUB et al. v. SAN JOAQUIN LOCAL AGENCY, etc. and GOLD RUSH CITY HOLDING CO., Inc. et al., and CITY OF LATHROP

Cause called. Susan Brandt-Hawley argued for plaintiffs-respondents-cross appellants Sierra Club et al. Steven A. Herum argued for defendant-cross-respondent, San Joaquin Local Agency, etc. and Real Parties in Interest-appellants-cross-respondents, Gold Rush City Holding Co., Inc. Susan Burns Cochran, City Attorney, appeared only for Real Party in Interest-cross-respondent, City of Lathrop. Cause submitted.

At 2:30 p.m., the court recessed. At 2:30 p.m., the court reconvened with Blease, Acting Presiding Justice; Morrison, Associate Justice; and Hull, Associate Justice

C036664 TOSCO CORPORATION v. NEW HAMPSHIRE INSURANCE COMPANY

Cause called. Peter Abrahams argued for appellant. Kevin M. Fong argued for respondent. Cause submitted.

At 2:55 p.m., the court recessed. At 2:59 p.m., the court reconvened with Sims, Acting Presiding Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

C034279 The People v. Torres

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. Charles Fennessey, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:19 p.m., the court recessed. At 3:22 p.m., the court reconvened with Sims, Acting Presiding Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

C034586 The People V. Penn

Cause called. Robert Wayne Gehring, court appointed counsel, argued for appellant. Netania E. Melamed Moore, Deputy Attorney General, argued for respondent. Cause submitted

At 3:50 p.m., the court recessed. At 3:51 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

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At 9:28 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Nicholson, Associate Justice; Morrison, Associate Justice; Hull, Associate Justice; and Guzman, Bailiff. Calendar Called.

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C039773 MEADOWS v. WELCH

Cause called. Henry Meadows, In Pro Per appellant, argued for himself. Fred G. Wiesner argued for respondent. Cause submitted.

C039982 MADYOON v. MEDPARTNERS, INC. et al.

Cause called. John R. Conger argued for appellant. James T. Jones argued for respondent. Cause submitted.

At 10:12 a.m., the court recessed. At 10:16 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C036988 THE PEOPLE v. EDMONTON

Cause called. Brendon Ishikawa, court appointed counsel, argued for appellant and submitted additional citations. Jane N. Kirkland, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 10:38 a.m., the court reconvened with Raye, Associate Justice; Callahan, Associate Justice; and Robie, Associate Justice.

C038544 HINTON v. GRANGE INSURANCE GROUP et al.

Cause called. Joan Wolff, argued for appellant. Charles K. Brunn, argued for respondents. Cause submitted.

At 11:03 a.m., the court recessed. At 11:06 a.m., the court reconvened with Raye, Associate Justice; Kolkey, Associate Justice; and Robie, Associate Justice.

C039579 EHLERS ELEVATORS, INC. v. BETASEED COMPANY

Cause called. Timothy Hix argued for appellant. Randy E. Thomas argued for respondent. Cause submitted.

At 11:38 a.m., the court recessed. At 2:00 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Callahan, Associate Justice.

C038751 HAMILTON v. GOURLEY, as Director, etc.

Cause called. Kenneth M. Foley argued for appellant. Leslie A. Burgermyer, Deputy Attorney General, argued for respondent. Cause submitted.

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October 22, 2002, continued

**C038494 MOOSA v. STATE PERSONNEL BOARD and CALIFORNIA STATE
UNIVERSITY, CHICO (Certified For Publication)**
THE COURT:

The opinion in the above-entitled matter filed on September 23, 2002, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official reports and it is so ordered.

FOR THE COURT:

BLEASE, Acting P.J.
SIMS, J.
ROBIE, J.

October 23, 2002

At 9:27 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Hull, Associate Justice; Robie, Associate Justice; and Facey, Bailiff. Calendar Called.

C039067 HEFFEL, as Trustee, etc. v. LODI METAL TECH, INC.
Cause called. Robert D. Nelson argued for appellant. Christopher H. Engh argued for respondent. Allison Cherry Lafferty appeared only. Cause submitted.

At 9:55 a.m., the court recessed. At 9:56 the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

C038077 THE PEOPLE v. SEVERANCE
Cause called. Eric Weaver, court appointed counsel, argued for appellant. There was no appearance made on behalf of respondent. Cause submitted.

At 9:58 a.m., the court recessed. At 10:03 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

C038725 THE PEOPLE v. CROSS
Cause called. Linnea M. Johnson, court appointed counsel, argued for appellant. Alan Ashby, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:21 a.m., the court recessed. At 10:26 a.m., the court reconvened with Sims, Associate Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

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C036914 THE PEOPLE v. OUBICHON

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:52 a.m., the court recessed. At 10:54 a.m., the court reconvened with Sims, Associate Justice; Callahan, Associate Justice; and Robie, Associate Justice.

C040037 LASICH v. LASICH

Cause called. Charlotte L. Keeley, argued for appellant. Paige Leslie Wickland argued for respondent. Cause submitted.

At 11:15 a.m., the court recessed. At 2:00 p.m., the court reconvened with Callahan, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C039000 VRISMO v. GREENSLADE and YOUNT

Cause called. Jerrald K. Pickering argued for appellants. Robert N. Campbell argued for respondent. Cause submitted.

At 2:20 p.m., the court recessed. At 2:21 p.m., the court reconvened.

C038777 THE PEOPLE v. SHELP

Cause called. William I. Parks, court appointed counsel, argued for appellant. Raymond L. Brosterhous II, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:40 p.m., the court recessed. At 2:48 p.m., the court reconvened with Scotland, Presiding Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

C037982 THE PEOPLE v. SIMPSON

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. Aaron R. Maguire, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:15 p.m. the court recessed. At 3:17 p.m., the court reconvened with Scotland, Presiding Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

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- C038966 CASSIDY v. SUKIME, LLC.**
Cause called. Howard J. Stagg, IV argued for appellant. Larry C. Larsen argued for respondent.

At 3:48 p.m., the court recessed until 9:30 a.m., Monday, October 28, 2002.
- C033573 THE PEOPLE v. HARRISON (Not for Publication)**
The judgment is affirmed.
 KOLKEY, J.
I concur: Blease, Acting P.J.
I concur...In the interest of evenhanded criticism, I note that nowhere does respondent refer to *Wright*.
 Hull, J.
- C039705 THE PEOPLE v. HEMPLE (Not for Publication)**
The judgment is modified to strike both of the section 1202.45 fines and to award defendant 196 days of actual custody credit plus 98 days of conduct credit, for a total of 294 days' credit. As modified, the judgment is affirmed. The superior court is directed to amend the abstract of judgment accordingly, and to forward a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.
- C039838 THE PEOPLE v. ENGLISH et al. (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, Acting P.J.
We concur: Morrison, J.
 Callahan, J.
- C040687 ROSS v. ROSS (Not for Publication)**
The order is affirmed.
 NICHOLSON, Acting P.J.
We concur: Morrison, J.
 Callahan, J.
- C041005 In re A.C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. A.H. (Not for Publication)**
The orders are affirmed.
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Callahan, J.

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- C036714 THE PEOPLE v. YOUNG (Not for Publication)**
The judgment (order of commitment) is affirmed.
 MORRISON, J.
We concur: Blease, Acting P.J.
 Kolkey, J.
- C040614 THE PEOPLE v. BARRY (Not for Publication)**
The order of probation is modified to reflect that imposition of sentence was suspended.
The trial court is directed to prepare a corrected order of probation to reflect that imposition of sentence was suspended and to forward a certified copy of the corrected order of probation to the Department of Corrections.
As modified, the judgment is affirmed.
 RAYE, J.
We concur: Sims, Acting P.J.
 Davis, J.
- C040948 THE PEOPLE v. PULIS (Not for Publication)**
The judgment is affirmed.
 KOLKEY, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C041303 THE PEOPLE v. HUDSPETH (Not for Publication)**
The judgment is affirmed.
 KOLKEY, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C039290 PATRICIA ADKINS INSURANCE AGENCY, INC. v. STATE FARM
AUTOMOBILE INSURANCE COMPANY, et al. (Not for Publication)**
The judgment is reversed. The plaintiff agents shall recover their costs of appeal.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Morrison, J.

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Kolkey, J.

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October 25, 2002, continued

C039618 THE PEOPLE v. LUKING (Not for Publication)

The judgment is modified to impose a \$50 criminal laboratory analysis fee, a \$50 state penalty assessment, and a \$35 county penalty assessment. As so modified, the judgment is affirmed.

HULL, J.

We concur: Blease, Acting P.J.

Robie, J.

C037440 COUNTY OF SACRAMENTO v. GARABEDIAN

BY THE COURT:

Appellant's petition for rehearing is denied.

DAVIS, Acting P.J.